



David B. Cohen  
Mayor

## CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development  
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Public Hearing Date: September 22, 2009  
Land Use Action Date: November 17, 2009  
Board of Aldermen Action Date: December 7, 2009  
90-Day Expiration: December 21, 2009

DATE: September 18, 2009

TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development  
Candace Havens, Chief Planner  
Alexandra Ananth, Senior Planner

SUBJECT: **Petition #210-09, PHILIP & MICHELLE DANADREA** for a SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF A NONCONFORMING STRUCTURE to demolish an existing one-story garage and replace it with a new garage and second-story addition, which will increase the floor area ratio from .46 to .55 at 91 OTIS STREET, Ward 2, on land known as Sec 24, Blk, 12 Lot 10, containing 3,467 sf of land in a district zoned SINGLE RESIDENCE 2.

CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.

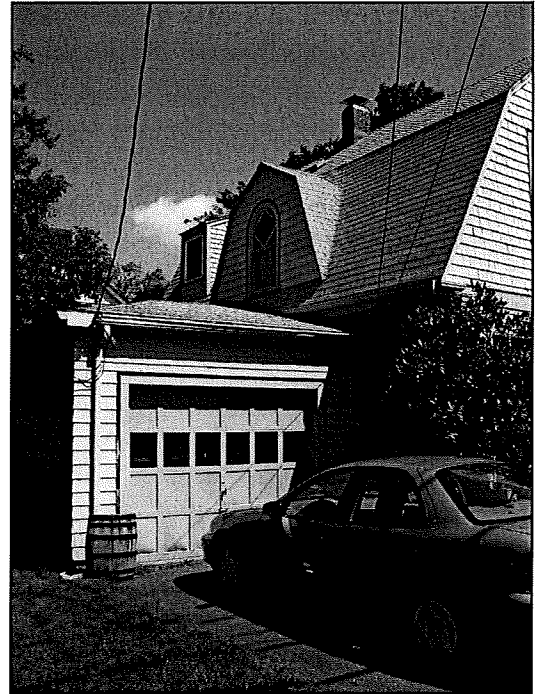


### **EXECUTIVE SUMMARY**

The petitioners are proposing to demolish an existing one-story garage and to replace it with a two-story addition, which would include a new garage with master suite above. The existing single-family residence is located on a 3,467 sq. ft. lot on the corner of Otis Street and Lowell Avenue, and is nonconforming with respect to Floor Area Ratio (FAR). The house is listed on the National Register of Historic Places as part of the National Register District. Although the proposed addition will increase the existing nonconforming FAR, the addition will increase the side setback from 7'9" to 9 feet (where 7.5 feet is required). The addition will add only two sq. ft. to the first floor and will add 308 sq. ft. to the second floor. Lot coverage and open space ratios will remain the same. The addition is designed in keeping with the shingled architecture and gambrel roof line of the existing house; however, the Planning Department requests that the petitioners reuse the existing west side dormer window above the garage in place of the new window proposed in the addition.



Existing Garage and area of addition



#### **I. SIGNIFICANT ISSUES FOR CONSIDERATION**

When considering this request, the Board should consider whether the increases in FAR would be consistent with and not in derogation of the size, scale and design of other structures in the surrounding neighborhood.

## II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

### A. Neighborhood and Zoning

The property is located on the northwest corner of Otis Street and Lowell Avenue in a National Register District. It is located within a Single Residence 2 District where single- and two-family residences on small lots characterize the neighborhood. The majority of residences were built between 1880 and 1920, and most of the lots are between 6,000 and 12,000 sq. ft. Colonial and shingle-style architecture dominates the neighborhood, although a variety of early twentieth century architectural styles also are present (*SEE ATTACHMENT "A"*).

### B. Site

The 3,467 sq. ft. site is a corner lot with the front door and garage facing Otis Street. The lot is relatively level. The subject parcel is the smallest lot in the neighborhood.

## III. PROJECT DESCRIPTION AND ANALYSIS

### A. Land Use

No changes to the use of the single-family residence are proposed.

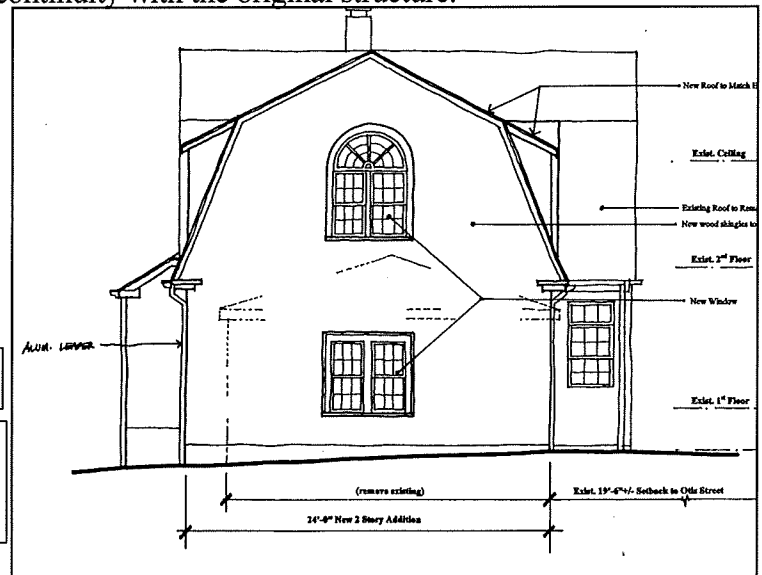
### B. Building and Site Design

The existing house is a wood-shingled, Colonial-style residence circa 1894 with a gambrel roof. The petitioners propose to demolish an existing one-story garage and to replace it with a two-story addition in keeping with the style of the house. The addition would mirror the existing gambrel-style roof with a window in the center of the second story. The addition will house a new one-car garage on the first floor and a master bedroom with bath on the second. The addition will not add square footage to the footprint, but will add approximately 308 sq. ft. to the second story. The house with proposed addition will have a total square footage of 1,921 sq. ft., consistent with other residences in the immediate neighborhood. The petitioners should be encouraged to retain the original existing west side dormer window in place of the proposed new window for aesthetic continuity with the original structure.



Existing window on west elevation ▲

Architect's rendering of proposed west elevation ►



C. Parking and Circulation

The petitioners are not altering the curb cut or driveway in any way.

D. Landscape Screening

The petitioners did not submit a landscape plan; however, there is a dense row of tall evergreens currently located on the western property line. The petitioners should take care to preserve these trees during the reconstruction process should the Board choose to approve this petition.

IV. TECHNICAL REVIEW

A. Technical Considerations (Section 30-15). The Zoning Review Memorandum, dated June 23, 2009 (*SEE ATTACHMENT "B"*), provides an analysis of the proposal with regards to zoning. The existing house is a lawfully nonconforming structure with regard to lot size, frontage, FAR, and front setback. ***A special permit is required to increase the already nonconforming FAR from .46 to .55.*** The plans respect the existing nonconforming front setbacks and the addition will not encroach into the side or rear setbacks. Existing and proposed heights are conforming, and lot coverage and open space ratios will remain the same.

B. Newton Historical Commission Demolition Review. The Commission approved the proposed plans. The Commission also recommended the original window on the west façade be reused in the new addition (*SEE ATTACHMENT "C"*).

V. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum the petitioners are seeking approval through or relief from:

- Section 30-21(a)(2)(b) and 30-21(b), for an expansion of a nonconforming structure with respect to FAR;
- Section 30-23, for site plan approval; and
- Section 30-24, for approval of special permit.

VI. PETITIONERS' RESPONSIBILITIES

The petition is considered complete at this time.

**ATTACHMENTS**

- ATTACHMENT A:*** *NEIGHBORHOOD COMPARISON CHART*
- ATTACHMENT B:*** *ZONING REVIEW MEMORANDUM DATED JUNE 23, 2009*
- ATTACHMENT C:*** *NEWTON HISTORICAL COMMISSION DEMOLITION REVIEW DECISION*
- ATTACHMENT D:*** *ZONING MAP*
- ATTACHMENT E:*** *LAND USE MAP*

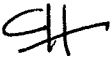
*Neighborhood Comparison Chart (Prepared by Planning Department)*

<u>Address</u>	<u>Approx. Yr. Built</u>	<u>Lot Size</u>	<u># Units</u>	<u>Lot Area Per Unit</u>	<u>Approx. Sq. Ft.</u>	<u>Approx. FAR</u>	<u>Material</u>
269-271 Lowell Ave	1880	15,206	2	7,603	2,141	(0.14)	Colonial
275-277 Lowell Ave	1900	12,804	2	6,402	3,538	(0.28)	Two-Family
281-283 Lowell Ave	1920	9,509	2	4,755	3,510	(0.37)	Two-Family
<b>91 Otis St</b>	<b>1894</b>	<b>3,467</b>	<b>1</b>	<b>3,467</b>	<b>1,596</b>	<b>(0.46)</b>	<b>Colonial</b>
95 Otis St	1922	5,947	1	5,947	1,500	(0.25)	Old Style
103 Otis St	1939	8,216	1	8,216	1,805	(0.22)	Bungalow
123 Otis St	1920	8,200	1	8,200	1,926	(0.23)	Colonial
128-130 Otis St	1934	7,432	2	3,716	1,528	(0.21)	Colonial
124 Otis St	1920	9,711	2	4,856	1,347	(0.14)	Two-Family
120 Otis St	1916	11,919	1	11,919	2,932	(0.25)	Colonial
<b>Average</b>		<b>9,241</b>		<b>6,508.00</b>	<b>2,182</b>	<b>(0.25)</b>	
<b>91 Otis St Proposed</b>		<b>3,467</b>	<b>1</b>	<b>3,467</b>	<b>1,921</b>	<b>0.55</b>	

## Zoning Review Memorandum

Dt: June 23, 2009

To: John Lojek, Commissioner of Inspectional Services

Fr: Eve Tapper, Chief Zoning Code Official  
Candace Havens, Chief Planner 

Cc: Michael Kruse, Director, Department of Planning and Development  
Ernest V. DeMaio III, architect for Phillip and Michelle Dandrea  
Ouida Young, Associate City Solicitor

RE: Request to allow an increase in FAR.

### Applicant: Phillip and Michelle Dandrea

<b>Site:</b> 91 Otis Street	<b>SBL:</b> Section 24, Block 12, Lot 10
<b>Zoning:</b> SR-2	<b>Lot Area:</b> 3,467 square feet
<b>Current use:</b> Single-family residence	<b>Proposed use:</b> Single-family residence

### Background:

The subject property consists of a 3,467 square foot lot currently improved with a single-family residence. The applicants are proposing to add a small addition onto the west side of the house.

### Administrative determinations:

The property is in an SR-2 zone and must comply with the dimensional standards of Section 30-15, Table 1 for a pre-1953 lot (see chart below). The applicants are proposing to demolish an existing one-story garage and replace it with a new garage and second story addition.

1.

SR-2 Zone	Required/Allowed	Existing	Proposed
Lot size	10,000 sq. ft.	3,467 sq. ft.	N/C
Frontage	80 feet	45 feet*	N/C
Setbacks			
• Front	25 feet	3.03 feet	N/C
• Side	7.5 feet	7 feet 9 inches	9 feet
• Rear	15 feet	18.68 feet	N/C
FAR	.3	.46	.55
Building Height	30 feet	27.5 feet	N/C
Maximum Stories	2.5	2	2
Max. Lot Coverage	30%	29.9%	N/C
Min. Open Space	50%	63%	N/C

\* from City Assessor's database

2. The subject property is legally nonconforming with respect to Floor Area Ratio. The proposed addition will increase this nonconformity. The proponent needs a Special Permit from the Board of Aldermen under Sections 30-21(a)(2)(b), 30-21(b) and 30-15 Table 1, Footnote 5.

3. See "Zoning Relief Summary" below:

<b>Zoning Relief Summary</b>		
<b>Ordinance</b>	<b>Site</b>	<b>Action Required</b>
§30-21(a)(2)(b), 30-21(b)	Increase nonconformity with respect to FAR	SP per §30-24

Plans and materials reviewed:

- "Dandrea Residence, Newton, Massachusetts, Design Presentation No. 1, Drawing 6, Scheme 1, Site Plan," signed by Ernest V. DeMaio, registered architect, dated June 10, 2008, revised May 11, 2009, not signed or stamped by a professional land surveyor
- "Dandrea Residence, Newton, Massachusetts, Design Presentation No. 1, Drawing 1, Scheme 1, First Floor Plan, dated June 10, 2008, revised May 11, 2009
- "Dandrea Residence, Newton, Massachusetts, Design Presentation No. 1, Drawing 2, Scheme 1, Second Floor Plan, dated June 10, 2008, revised May 11, 2009
- "Dandrea Residence, Newton, Massachusetts, Design Presentation No. 1, Drawing 3, Scheme 1, South Elevation, dated June 10, 2008, revised May 11, 2009,
- "Dandrea Residence, Newton, Massachusetts, Design Presentation No. 1, Drawing 4, Scheme 1, West Elevation, dated June 10, 2008, revised May 11, 2009
- "Dandrea Residence, Newton, Massachusetts, Design Presentation No. 1, Drawing 5, Scheme 1, North Elevation, dated June 10, 2008, revised May 11, 2009
- "Dandrea Residence, Newton, Massachusetts, Design Presentation No. 1, Drawing E-1, First Floor Plan, dated June 10, 2008
- "Dandrea Residence, Newton, Massachusetts, Design Presentation No. 1, Drawing E-2, Second Floor Plan, dated June 10, 2008
- "Dandrea Residence, Newton, Massachusetts, Design Presentation No. 1, Drawing E-3, South Elevation, dated June 10, 2008
- "Dandrea Residence, Newton, Massachusetts, Design Presentation No. 1, Drawing E-4, West Elevation, dated June 10, 2008
- "Dandrea Residence, Newton, Massachusetts, Design Presentation No. 1, Drawing E-5, North Elevation, dated June 10, 2008
- "Plan of Land in Newton, Massachusetts, drawn for Phillip C. Dandrea #91 Otis Street, Newton, MA 02460," drawn by Merrimack Engineering Services, dated 3/25/08, neither signed nor stamped by a licensed professional





# CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development  
Michael J. Kruse, Director

## ATTACHMENT C

David B. Cohen  
Mayor

E-mail  
mkruse@newtonma.gov

### Newton Historical Commission Demolition Review Decision

Date: 8/7/09 Zoning & Dev. Review Project# 09080025

Address of structure: 91 Otis Street

Type of building : House

If partial demolition, feature to be demolished is Attached garage and facade

The building or structure:

is X is not \_\_\_\_\_ in a National Register or local historic district not visible from a public way.  
is X is not \_\_\_\_\_ on the National Register or eligible for listing.  
is X is not \_\_\_\_\_ importantly associated with historic person(s), events, or architectural or social history  
is X is not \_\_\_\_\_ historically or architecturally important for period, style, architect, builder, or context.  
is \_\_\_\_\_ is not X located within 150 feet of a National Register or local historic district.

is \_\_\_\_\_ **NOT HISTORIC** as defined by the Newton Demolition Delay Ordinance.

Demolition is not delayed and no further review is required.

is X **HISTORIC** as defined by the Newton Demolition Delay Ordinance (See below).

The Newton Historical Commission staff:

X **APPROVES** the proposed project based upon materials submitted see below for conditions (if any).

Demolition is not delayed, further staff review may be required.

Final plan sign off required. Reuse  
of original window on west façade  
recommended

\_\_\_\_\_ **DOES NOT APPROVE** and the project requires Newton Historical Commission review (See below).

The Newton Historical Commission finds the building or structure:

is \_\_\_\_\_ **NOT PREFERABLY PRESERVED**

Demolition is not delayed and no further review is required.

is \_\_\_\_\_ **PREFERABLY PRESERVED – ( SEE BELOW).**

One year delay of Demolition:

\_\_\_\_\_ is in effect until \_\_\_\_\_

\_\_\_\_\_ has been waived - see attached for conditions

Determination made by:



Brian Lever

# Zoning Map

91 Otis St.

**Legend**

- Contours-10 Foot Interval
- House Numbers
- Building Footprints
- Single Res. 1
- Single Res. 2
- Single Res. 3
- Business 1
- Business 2
- Multi-Res. 1
- Multi-Res. 2
- Multi-Res. 3
- Multi-Res. 4
- Mixed Use 1
- Mixed Use 2
- OS/Rec.
- Public Use
- Property Boundaries
- Extra Map Lines
- Street Rights-of Way
- Newton City Boundary

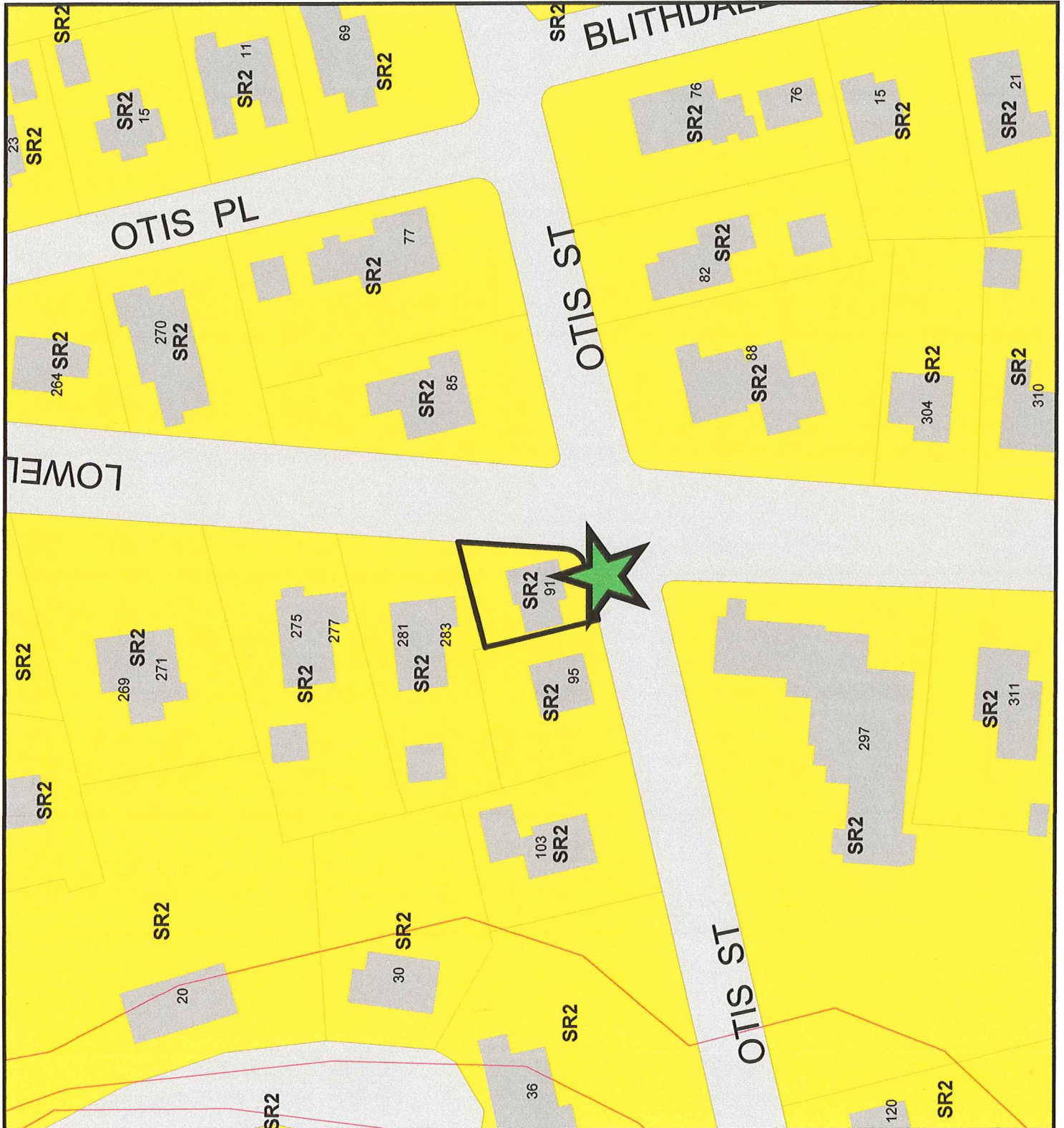



## ATTACHMENT D

The information on this map is for informational purposes only. Newton cannot guarantee the accuracy of the information. Each user of the map is responsible for determining its suitability for their purpose. City departments approve applications based on the information provided.



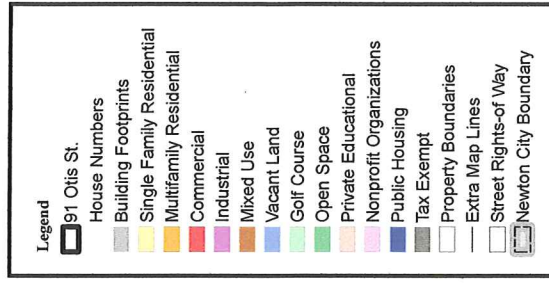
MAP DATE: Septem





# Land Use Map

91 Otis St.



## ATTACHMENT E

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MAP DATE: Septem

